

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WORDCHECK TECH LLC

v.

ALT-N TECHNOLOGIES, LTD., ET AL.

NO. 6:10-CV-00457

JURY

PLAINTIFF'S ANSWER TO APPRIVER'S COUNTERCLAIMS

Plaintiff WordCheck Tech LLC ("WordCheck") answers the counterclaims (Dkt No. 286) of AppRiver LLC ("AppRiver"), by corresponding paragraph number, as follows:

PARTIES

1. Admitted.
2. Admitted that WordCheck is a Nevada limited liability company with its principal place of business in Longview, Texas.

JURISDICTION

3. Admitted that AppRiver seeks declaratory relief against WordCheck. Admitted there is a legal case or controversy for purposes of subject matter jurisdiction over counterclaims. Denied as to merits of counterclaims.
4. Admitted.
5. Admitted. Denied as to merits of counterclaims.

**COUNT ONE
DECLARATORY JUDGMENT FOR INVALIDITY AND
NON-INFRINGEMENT OF THE '510 PATENT**

6. WordCheck's answers to paragraphs 1-5 are incorporated herein.

7. Admitted that AppRiver seeks declaratory relief against WordCheck. Denied as to merits of counterclaims.

8. Admitted that John N. Gross and Anthony N. Gross are the named inventors of the '510 patent and that the '510 patent originally issued to them, that WordCheck holds all right, title and interest in and to the '510 patent, that the '510 patent is valid and enforceable, and that AppRiver infringes the '510 patent.

9. Admitted that AppRiver denies that it has infringed or is infringing the '510 patent. Denied as to the merits of AppRiver's assertions.

10. Denied.

11. Denied

12. Denied.

13. WordCheck objects that AppRiver fails to state a claim in Paragraph 13 upon which relief can be granted under Fed. R. Civ. P. 12(b)(6). WordCheck further objects that it is entitled to a more definite statement by AppRiver of its assertions in Paragraph 13 under Fed. R. Civ. P. 12(e). Subject to, and without waiver of, the foregoing objections, Paragraph 13 is denied.

PRAYER FOR RELIEF

A-F. To the extent necessary, WordCheck denies that AppRiver is entitled to the relief requested in its prayer for relief. WordCheck denies this is an exceptional case from the perspective of AppRiver being entitled to any such finding. WordCheck admits that this is an exceptional case from the perspective of WordCheck obtaining such a finding against AppRiver. In addition, to the extent necessary, WordCheck generally denies any allegation in the counterclaims not specifically admitted above, and WordCheck re-alleges infringement,

enforceability, validity and damages, and denies any allegations in the counterclaim adverse to same.

PRAYER FOR RELIEF

WHEREFORE, WordCheck respectfully requests that this Court enter judgment denying and dismissing AppRiver's counterclaims, and that the Court enter judgment in favor of WordCheck as requested in WordCheck's complaint, as amended or supplemented.

December 20, 2010

Respectfully submitted,

WORDCHECK TECH LLC

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

December 20, 2010

/s/ Andrew P. Tower
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